Sp F IX-4

Previous References

1936
(Mezra)

File No. 134-36

Serial Nos. 1-7

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 7

Part B for March 1937

SUBJECT.

Appointment of Gumastha Khazi for mosque in Nagadi Tq

Mohamed Ibrahim Sab Sattar
C/o. Messrs B. Nanjundaiya & B Suryanarayan
Advocates Mangalore City

WD 0418—GPB—22,500—2J-8-36

No 1269 S 15-3-37.

Rejects the appeal petition

R. S. APP. F. III—1] 1936-7

GENERAL AND REVENUE SECRETARIAT.

(Mag)

NOTES.

File No. 124-

FILE HEADING

N.: in appointment of a Gumastha Khaje for the Moazze in Magadi town.

FROM Mahamed Ibrahim Sab and others Mahamedan residents of Magadi.

No. — Dated 1.12.36 Received 3.12.36

Diary No. 539-40 Enclos. 1 Spare copies — Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeals against the Magadi Commissioner's order in Mag Case No 5/35. Also the fate of his Case upholding the Sub-Division Officer's order appointing Abdul Hai Sirdar as the Gumastha Khaji of the Magadi Moazze during the absence of the Barabardar.

NOTES AND ORDERS.

Petition of 1.12.36 from the same gentleman praying for a stay of the Magadi Commissioner's order of 31.8.36 on the subject.

From page 5 to of the Revised Mag. Man-

The following are the functions of a Khaji Kazi

(1) Performance of Marriage Ceremonies Burials

Khazi & Nikkah Registers —

(2) Performance of Prayers (Namaz)

NOTES—First Sheet

WD 0245—GPB—2,500—23-8-32

(3) Deciding religious doubts and questions (Masla masayil)

4) ~~Duties~~ Duties relating to funeral ceremonies.

5) Duties connected with Slaughtering of Sheep.

2) The Mosque in Magodi town is a Muslim Jath; the Kanawadar Khaji thereof by name Abdul Hussein Siddick is found from the papers to be a School master in Channapatna. In his absence no other duty in the Gen. Dept, his son Ameenee Vs Abdul Hai Siddick is found to be performing the Khaji duties. He says in their affidavits dt 1.12.26 that about 80 out of 100 families in Magodi are of Sunni persuasion and Abdul Hussein Saheb is Ghumbatha Khaji of that & the opposite evidence of the Khaji the majority of the residents with him & the Mosque are Shias while the Sunnis amongst the majority of the Muslim residents have their Mosque since 40 years from their grandfathers. In these circumstances it is a matter for consideration whether the Mosque should be recognised to give the Kanawadar Khaji an option to either exercise his duties as Khaji of Magodi Mosque & resign the post as a School master or vice versa, since the post of a Khaji is a responsible one & since Sunnis do not like the

x P

The Gumastha Khaji post in the mosque at Magadi Bangalore

General and Revenue Secretariat — File No. 134 of 193 — [App. F. III—2

Serial No.

parties religion ... submitted ... Further the M.C. will be asked to submit a report/ their records as to the truth of the Statement made by the petrs viz That the form 75 580 families out of 100 Mahomedan families in the Magadi Town & to issue clear instructions with Amildar Sb to have on record the opinion of the head of each family recorded by himself or by his Agent about the selection of one or the other candidate. viz Abdul Hai Sidick vs Abdul Karim Sab vs Gumastha Khaji.

2) As to the request of the petrs for a stay order, it appd, they may be informed that no stay order is issued as Govt intend passing orders on the subject as soon as records can be examined

3) The petitioners do not contradict the opinion of Gumastha Khaji of Bangalore about the ability of Abdul Hai Siddick to read Koran and to perform the duties of Khaji. Mention is invited to the Revenue Comr's order on this point

NOTE—Contn. Sheet.

WD 0417 -GPB-80,000 -8 9 36

File No. 134 of 1936. | General and Revenue Secretariat

Serial No.

Comr.'s order also states that 50 per cent of the Mohamedans living in Nagadi approved of the appointment of Abdul Hai Siddick as Gumasta Wajis. According to section 36 of the Religious and Charitable Institutions Regulation, the Gumasta Khaji Abdul Hai Siddick seems to be removable only if ¾ of the worshippers of the mosque object to his appointment. The petitioners state that section 36 of the Regulation is applicable to the appointment of a Khaji and not a Gumasta Khaji. A Gumasta Khaji as an acting Khaji cannot be [illegible] under Section 36 of the Regulation seems to apply to a permanent as well as a Gumasta Khaji or acting Khaji. May the petition be forwarded to the Inspr. Genl. of Comrs. for a report about the capacity of Abdul Hai Siddick for the Khaji's post after consulting competent persons on the subject?

5/12/36

[illegible] 5/12/36

Serial No.

for performing the duties of the Khazi and it is submitted that the M.P. was right in accepting the certificate of the Sir Khazi of Bangalore City and not the opinion of D.C. Bangalore District which was evidently based on the report of the Amildar of Nagadi, who it is to be presumed cannot be expected to have a knowledge of Islamic theology. The second contention of the petitioners is that 75 families out of 100 Muslim families of Nagadi wish that their nominee (Abdul Karim) be appointed as Jamaat Khazi. The S.D.O Chandpet who also an enquiry has reported (vide M.C. index) that nearly 50 % of the Mohammadans of Nagadi consented to the appointment of the applicant as Jamaat Khazi, as such it is a fair consideration that evidence could be given to the statement of the petitioners that 75 % of Musalmans of Nagadi are in favour of the appointment. As such it is submitted that no interference with the order of M.C. Bangalore called for, nor a rule nisi for the grant of a writ, and it is open to the petitioners to take recourse to civil suit if any disturbance to the peace is apprehended.

2

4/12/36

NOTE—Contn. Sheet.

WD 0417--GPD—30,000—8-9-36

Gen Secy)

Appointment of Quazis
Khaji to Magadi Mosque

File No. 134 of 1936. General Se

Serial No.

6) The petitioner's counsel says that the certificate given by the Sirkari of Rolad cannot be relied upon for reasons stated by him by his clients. He says he will file further representation in a day or two. This may be awaited -

hw
8/12/36.

2/9/1936

10.12.36

Petition of ~~final~~ Syed Mr. Abdul Wali Saheb and other Mahomedan residents of Magadi protesting against the appointment of Abdul Sattar Sobieh as Nayab Khaji of the mosque at Magadi during the absence of the baraadar - and praying for a stay of the Inspector Communication orders so that the new Khaji may not approach the mosque in the meanwhile.

7) The petitioners (Mohamedans) of Magadi say that they are prepared to go to trial if any, even other than the one which they submit is objectionable as the Khaji -

8) The counsel for the petitioners has not yet filed the further representation - Vide para 6 - [illegible] as he may -

9) He may be reminded

10) Office note 15/12

11) hw
15/12

Serial No.

No. 873 of 17.12.36 to Mr. B. Narayana Rao Advocate. Bangalore City calling for further representation promised to be filed by him.

Petition of 15/12/36 from Abdul Salam Sahb resident in Magadi town submitting a further representation in the matter.

12) order of the Gen see on the D.O.—
Please post into the file:

13) The petr says that the Certificate alleged to have been produced by Abdul Hai Saheb as to his fitness to act as Khaji of Magadi Mosque by Sri Khaji of Bangalore is obtained by false representations & that it was not given him by Sri Khaji after duly examining him.

14) 22/12/36

(Gen Secy) for perusal.

The petn will be sent to the Munsiff Court and he will be asked if in view of the statement made in it he is to have the competence of the person appointed is verified again.

22/12

First Member) 22/12

GENERAL SECRETARY
22 DEC. 1936

NOTE—Contn. Sheet.

WD 0417—GPD—30,000—8-9-36

Rfd a d... and hrd ——

55
21 ——— 18) Inc
7
24/14-

No 883 of 26/12/36 to the Mujrai
Commissioner enquiring if he would have
the Competence of the Nayak Khaji referred
to therein Verified again.

Letter no Hc 35/06-37 of 22-2-37
from the Mujrai Commissioner Stating
that no further Co amination of the
present Khaji of the Nagore mosque
is necessary under the Circumstances
set forth therein.

The D.C. was requested in
this office letter no 883 of 26.12.36
to have the Competence of the person
appointed Khaji for the Nagore mosque
Verified again. He says that Sri
Khaji of Bungalore died on 13.1.37 and
& that the genuineness of the Certificate
given by him is not Challenged ——

The Contention of the petitioners
is that the Certificate was not given
to the Abdul Rai Saheb, the appointee
as the duly Con - ... of the

Serial No.

It is felt that in order to meet this objection the opinion may be got examined by an equally competent person like Dr. Khajaq Sangalore. If agreed the M.C. may be requested to have Abdul Hai Siddick examined by a competent man, but it does not seem to be necessary to have any public enquiry to verify this, as suggested by the petitioners. The death of Sir Hajee of Bangalore does not prevent the examination of Abdul Hai Siddick by some competent man. H.E. the Secretary, Central Muhamedan Association, Bangalore city, may be consulted by the Muzrai Comr. or the Dy. Comr., Bangalore St., if necessary, to find a competent man for examining Abdul Hai Siddick. submitted 25.2.37. with reference to the Secretary's orders contained in para 2 of the

The M.C. is of opinion that the examination of Abdul Hai Siddick seems to be necessary in the interests of Bangalore and that the examination should be done as early as possible before he is dead, and that the opinion of the Civil Surgeon or the Superintendent of Police

NOTE—Contn Sheet.

WD 0417 - GPB—30,000—8-9-36

Serial No.

is not challenged. Subsequently Verma Hara [illegible] (6) Supra Page 66

2
27/2/-

(Sir Henry)

23) The petitioners state that the acting Khaji does not know enough Arabic to officiate as Khaji. The Sit Khaji (who is now dead) gave the man a certificate that he knew Arabic. The Mun. Comr was asked if in view of the statement made by the petrs he would have the acting Khaji's ability in Arabic verified. He says that the Sit Khaji is dead and that the genuineness of the certificate is not challenged and verification is unnecessary.

GENERAL SECRL
27 FEB. 1937
298

24) If the acting Khaji knows Arabic the one objection that the people are raising against him will be removed and I see no reason why the man's ability should not be verified. On the contrary this seems very desirable.

25) It is for orders if in the circs the Mun. Comr may be asked to request the DC to have the acting Khaji's ability examined in his presence or the S Dos presence.

DW 4/3/37

1st Member) [illegible]

SPM

26) The Mun C's order is a

OFFICE OF THE FIRST MEMBER
1 MAR. 1937
No. 5265

Serial No.

formal one on appeal under the Regn + he has come to the conclusion after enquiry. There is no need for further enquiry now

Spy
2/3

(27) pw
4/3/37
5/3/37 2/1/-

8/3/37

28) Records are not so far called for and Commr Kind ref^ce is invited to the portions marked A & B under facts of the Case as set forth in M.C.S order No 57/35-36 of 31.8.36.

From the portion marked A it is seen that the S.D.O has asked the Amildar to make a selection of a Candidate available locally or outside who was agreeable to all the parties. (for the ag. Khaji's post). It is not known if the Amildar made any selection & sent the Case for orders.

29) In the portion marked B it is a ref^ce to recd 50 per Cent of the Mazagi Mahomedans having appeared of the appointment of the applicant Abdul Hai Sidick as ag Khaji of the town.

WD 0417--GPB—30,000—8-9-36

Serial No.

The petrs in para 4 of the affidavit of 15/12/36 say that the appointment of Abdul Hai Siddick as Khaji has resulted in great dissatisfaction among nearly 75 per Cent of the Mussalman residents of Nagpur - whether a fact or not is connected record, be Called Called for on the truthfulness of the false statements or the appeal rejected to it Malice for ends ---

30) Two points are for consideration, namely whether Abdul Hai Siddick is fit to hold the office of the Kazi, and this point is settled as the Certificate issued by the Dir Khazi of Bangalore about his fitness to hold the said office is accepted. The second contention of the appellants is that nearly 75 % of Mussalmans of Nagpur are not in favour of his appointment; and in this connection much reliance is placed on the unanimous opinion of the members of the M.C. stating that nearly 50 % of the Mussalmans appear opposed to the appointment of Abdul Hai Siddick as the Kazi, and as such it is hard to credit that 75 % of the Mussalmans are opposed to his appointment, and on this point the M.C is of opinion that merely on the interest of a portion of the community the right of Abdul Hai

Serial No.

STARY.
15 MAR. 1937
462

with the Mwz. Comm. The order passed by the Mwz. Comm. should not be dealt with summarily. As such it is submitted (vide para 5 of the notes supra) the order of the C.R. calls for no interference, how a case made out for a stay of order, and the appeal admitted may be rejected.

(Sen Gupta) 15/3/37.

31) There appear to be no grounds for interfering with the order passed by the Mwz. Comm. The appeal may be rejected.

First M) MVG 15/3/37. 16/3/37.

32) I have already passed order on 3/3 on the file. Even note + order 52 have been issued. It is irregular to reopen the matter again except to put up a suitable draft. Order rejecting the appeal may issue immediately.

Spl.

33) Issue 16/3/37.

Non-receipt of memo filed in person. As per order in para 26 supra a copy had been filed on 8/2/37 now ordered to issue. But as per order dated in person. The note was filed on 28-2-37. 8/3

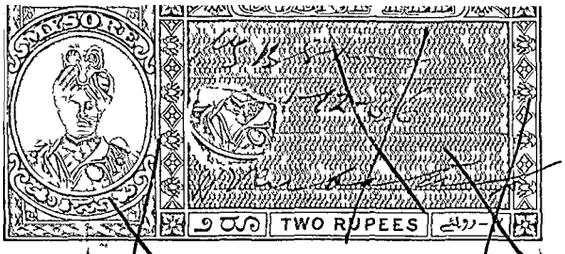
WD 0417—GPB—30,000—8-9-36

No 1269 dy 16 3.37 to the appeal petitioner
intimating that Government see no reason
to interfere with the order of the Income
Commissioner in the matter and that their
petition is rejected

Memo No 1270 dy 16/3/37 to the
Income Commissioner forwarding Copy
of the above endorsement for information.

B
18-3-37

Rec
22/3



GENL. & REV. SECRETARIAT
5-39-40
3 - DEC. 1936
MUZRAI BRANCH

BEFORE THE GOVERNMENT OF MYSORE.

Appeal
Ms. Revision Petition No. 9 /36-37.

Petitioners.- 1. Mohamed Ghouse Sahib,

2. Abdul Rahim Sahib,

3. Abdul Rasool Sahib,

4. Syed Sirajuddin Sahib,

5. Syed Ismail Sahib,

(All residents of Agalakote,

-To-

Opponents:- Abdul Rahim Sahib,
Contractor, Agalakote.

Presented by
M B Sangamangowda
2/12/36

UNDER SECTION 3 clause (a) of THE MYSORE REVISION OF JUDICIAL PROCEDURE ACT, the petitioners above named beg to prefer this revision petition against the order of this Hon'ble Court in the case of the Deputy Commissioner, Kolar, in R.A. No. 5 of 35-36 dated 7th November 1936 on the following amongst other grounds:-

1. That the learned Deputy Commissioner erred in setting aside the decision arrived at by the Amaldar of Bangalore on the ground that therefrom that the Opponent to whom the duties and the service of the Patel were also capable of being performed by the petitioners, the conversion of the Patel of the village into

Commissioner who had opinied that the Opponents did not possess the necessary learning required of a Khazi, basing that opinion on the personal examination of the Opponent by the Amildar of Magadi.

2. The observation that the Petitioners are not entitled to refuse the appointment of the Opponent as Khazi under Section 36 of the Mysore Muzrai Regulation does not apply in as much as that Section deals with the removal of registered Khazi and not that of a mere Gumasta.

3. That the Learned Muzrai Commissioner erred in interfering with the discretion of the Deputy Commissioner who had appointed a Gumasta Khazi, after considering the local situation, the capacity and the competance of the person proposed by the Petitioners and the Barawaddar.

4. That the Order of the Muzrai Commissioner is otherwise opposed to law and inequitable.

Wherefore the Petitioners most humbly pray that the order of the Learned Muzrai Commissioner be set aside and that of the Deputy Commissioner be restored.

Bangalore,
1/12/1956.

Advocate for Petitioners.

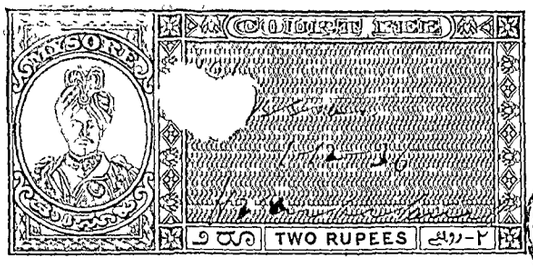
I Petitioner

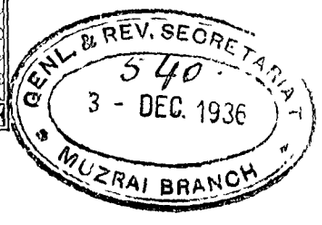
i/c Mahamad Abras Sahb

We, the Petitioners above named do hereby declare that what is stated above is true to the best of our knowledge and belief.

Bangalore,
1/12/1956.

Petitioners.





BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Muz. Revision Petition /36-37.

Muz 136-36-2

Petitioners:- Mohamed Ibrahim Sahib, and Others.

-Vs-

Opponent:- Abdul Hai Siddick.

The Petitioners above-named beg to state as follows:-

1. That the Petitioners have filed the accompanying Revision Petition against the order of the Muzrai Commissioner in Muzrai Appeal No. 5 of 35-36.

2. That the Petitioners for the reasons disclosed in the annexed affidavit and also for the reason that besides the Petitioners 75 out of the 100 Muslim Families of Nagadi wish that the nominee of the Petitioners should continue as Khazi of Nagadi Mosque and not the Opponent, who is a nominee of the Barawadder pray for a Stay order

The Petitioners humbly pray that this Hon'ble Court be pleased to keep the order of the Muzrai Commissioner in abeyance pending disposal of this Revision Petition.

Bangalore,
1/12/1936.

Petitioners

We, the Petitioners abovenamed do hereby declare that what is stated above is true to the best of our knowledge and belief.

Bangalore,
1/12/1936.

Petitioners.

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Muz. Revision Petition No. /36-37.

Petitioners:- Mohamed Ibrahimsab,
and Others.

-Vs-

Opponent:-
Abdul Rai Siddick.

AFFIDAVIT.

I, Mohamed Ibrahim Sab, Mussalman, residing in Magadi Town, the 1st Petitioner abovenamed do hereby solemnly declare and state as follows:-

1. That when the Baramadder Khazi pleaded that he was not able to discharge the duties of the Magadi Mosque, the Petitioners and their party who represent 80 families out of 100 families of Mussalmans in Magadi, proposed one Abdul Kareem Sab as Gumasta Khazi. When the Amildar, Magadi after subjecting the Opponent, who is the nominee of the Baramadder to an examination, found him incompetent to read Arabic language and then proposed the appointment of Petitioners' nominee as Gumasta although his proposal was not approved of by the Sub-Division, Officer, the Learned Deputy Commissioner, Bangalore District approved of our proposal and appointed the our nominee as Gumasta.

[illegible] on the duties

[illegible] use [illegible], the majority

[illegible] enter the Mosque

[illegible] from the

[illegible], which may

[illegible]

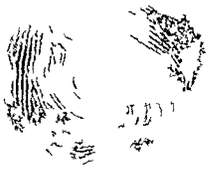
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



In the Court of the Mutwalli Commissioner
in Mysore, Bangalore

Appeal Case No. 5/35-36

Appellant:- Abdul Hai Siddick residing at Magadi

vs.

Respondents:— (1) Mahamed Ibrahim Sahib, (2) Abdul Satar Sab (3) Abdul Rasool Sab (4) Syed Braun Sahib (5) Syed Ismail Sahib. All residents of Magadi

Subject:—

Appeal against the order of the Deputy Commissioner Bangalore-District, cancelling the order of the Sub-Division Officer appointing the appellant as Khaji of the mosque at Magadi during the absence of the Baralwardar

Fact of the Case

The mosque in Magadi is a Mutwalli on being endowed with a land-grant in Tirumale village. One Abdul Hussain Siddick, Sab is the Baralwardar-Khaji of the mosque and is at present employed as School-master in Channapatna As he is employed elsewhere, there were complaints in the year 1931 about the non-Performance of Khaji's duties properly while the matter was under enquiry, the Permanent Baralwardar himself returned to duty and agreed to look after the work and to make Satisfactory arrangement for work during his absence Again on 3-1-1933 certain Mahomedan inhabitants of Magadi Town presented a Petition to the Asst. Commr stating that the Khaji (Abdul Hussain Siddick) who was a School-master at Channapatna had got up the Fulfilment Friday last (30-12-1932) with the result that their nominee was not able to lead them in Prayers and requested

connection with this Petition the Statement of Abdul Hussain Siddick was taken, wherein he has stated that he wanted to appoint the Present appellant as Khaji in his absence, that the former was examined in his presence but was found to be incapable of reading a manuscript written in Arabic and Urdu, that if he was adjudged as incapable of being a Khaji, he (Baraawa dar) would appoint one Mohideen Basha for the post. Having obtained leave in the Educational Department, the Baraawardar entered upon his duties as Khaji in September 1933 and worked for some time. He made two statements .. once on 4-1-1934 and again on 5-1-1935 stating that he would make proper arrangements for Khaji's work during his absence a School-master. As he failed to do any such arrangement the Sub-Division Officer asked the Amildar to make a selection of a Candidate, available locally or outside who was agreeable to all the parties.

The appellant having come forward with a statement that he was the brother of the Baraawardar, that he had acted as Khaji during his absence and having produced a Certificate as to his fitness from the Khaji of Sultanpet Mosque, Bangalore, the Sub Division Officer appointed him as Khaji.

On 5-6-1935, the respondents presented a Petition to the Deputy Commissioner stating that they had heard that the appellant had been appointed as Khaji, that a festival "Miladi Sheriff" was coming off in 10 days, that the presence of the appellant on the occasion in the Masjid would lead to a breach of the peace and requested that the appellant may be removed from the Khaji's post and their own nominee Abdul Kareem be appointed instead. This petition was returned for being presented to the Sub-Div Officer. On its presentation to the Sub-Division Officer he posted the case for hearing to 16-6-1935 at Nagadi and ordered that the hakdar Khaji had nominated his Cousin (appellant to act as Khaji, that nearly 50% of the Musalmans approved of the appointment, that it was evident

by the Khaji of Bangalore and therefore ordered that Ali Hasi Siddiki had been appointed as Naib khaji during the absence of the Barawardar

25

Against the above order the respondents went in appeal to the Deputy Commissioner who after hearing the Counsel for the Parties and going through the records Cancelled the order of the Sub-division officer and directed the latter officer to appoint one acceptable to all preponderant Section of the Community

Hence the appeal to this office.

The Case came on for final hearing on 30th July 1936.

Order No. 57/35-36 Dated 27/31-8-36.

I have heard the Advocates for the appellant and the respondent and also perused the records of the case. The Sub Division officer of Closepet appointed the appellant as the gumastha Khaji of Magadi Town during the absence of the Permanent incumbent on other employment elsewhere. The appellant is the Cousin of the Barawardar.

The Deputy Commissioner to whom the respondents appealed, set aside the Sub-division officer's order. The Deputy Commissioner bases his order on two grounds. The first one is that the appellant does not Possess the learning necessary for a Khaji. So far as this is concerned the appellant has produced a certificate from the Sar Khaji of Bangalore city stating that the appellant is quite Competent to discharge the duties of a Khaji. In regard to an examination held of the appellant in 1933 when he was found to be unable to read a manuscript written in Arabic and Urdu, it is not clear what exactly was the Condition or nature of the manuscript that was presented to him for reading. In any Case there is the most recent report of the Sar Khaji of Bangalore that the appellant has got sufficient learning to read the Koran and that he also possesses the other knowledge necessary for discharging the functions of the Khajis office. The nature of the services to be discharged by different Classes of servants in Mahomedan Muzrai Institutions is in the Muzrai Manual, Page 552 et Seq. The Khajis' Services are of a Communal nature. He performs marriages, talaks etc., all of which the Sar Khaji of Bangalore has certified the appellant to be competent to do.

In view of the foregoing facts I would rather accept the decision of the Sar Khaji who knows more about this subject than that of Persons belonging to other Communities.

the members of the Co
in a Muzrai Institution are entitled to consideration are set
in Section 36 of the Muzrai Regulation. It is only where a majority
of not less than three-fourths of the devotees of a Muzrai Institution
resident in the village or town in which the institution is
situated object to the employment as Pujari of a Person
claiming by hereditary right, that such a request need be complied
with. The appellant is not a stranger to the family of Khajis and
I should not like to deal summarily with his rights merely
on the protest of a Portion of the Mahomedan Community at M

In the result I hold the Sub-Division Officers order
which was passed after local enquiry, appears to me
reasonable. I therefore set aside the order of the Deputy
Commissioner and direct that the Sub-Division Officer's
order appointing the appellant as Khaji of Magadi be
given effect to

Sd/ K. V. Anantaraman
Muzrai Commissioner

Copy applied for by & on — Mahomed Ibrahim Sahib of Magadi on 12-10-'36

Copy ready on — 15-10-'36

Copy delivered on — 26-11-36

Party intimated to Produced deficit C.+ Stamp etc, on — 16-10-'36

— Do — Produced on — 20-11-36.

Copied by ——— K Chalavah

Compared by ——— S. Jayaramadas

Number of slokas ——— 1170

Copying fees ——— 1-8-0

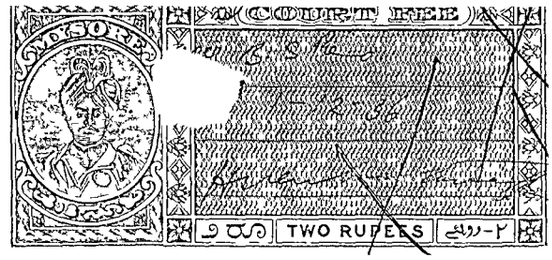
Comparing fees ——— 0-4-0

Total — 1-12-0

"Copy"

Mohamadan Ameen
Manager

Muzrai Commissioner's Office
Bangalore



Before the Court of Mysore Bangalore

ಕೋರ್ಟಿಗೆ.

Mysore Rev Petn

1936 —1937 ನೇ ನಂಬರು

Filed 4/3/37

ವಾದಿ ಯೂ ಅರ್ಜಿದಾರ್.

ಪ್ರತಿವಾದಿ ಯೂ ಅಪೋನೆಂಟ್

Mahamad Ibrahim	V.S.	Abdul Hai Saheb

ಮಾ|| ರಾ|| B Sanjeevamurthy Kum BA BL

K. Ramamurthy BA BL ಗೆ.

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಖೈರುವರಿವಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಸಿಲ್ಕು ಮೊಬಲಗು, ರೀಫಂಡು, ಸ್ಟ್ಯಾಂಪು ಮೊಬಲಗು ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯೂ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಧೇನೆ.

ತಾರೀಖು

ರುಜು

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ತರಿಕಾಗಿ ನನ್ನ ಸಮಕ್ಷ್ಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇಧೇನೆ.

B Sanjeevamurthy

GENL & REV. SECRETARIAT
S97
22. DEC. 1936
M. ZONAL BRANCH

May 136

BEFORE THE COURT OF MYSORE, BANGALORE.

Muz. C.R.I. No. of 36-37.

Petitioners:- Opponents:

Mohamed Ibrahim Sahib & Others -Vs- Abdul Jabbar Saheb

AFFID VIT.

I, Abdul Kader Saheb, son of Muhammed Kasim Saheb, resident of Nagar Town, do hereby solemnly declare and state on oath as follows:

1. That myself and four others have filed the above C.R.P. praying for revision of the order passed by the Mazrai Commissioner in my appeal No. 5 of 35-36 dated 31-8-1936.

2. That I and the other petitioners are very reliably informed that the certificate alleged to have been produced by the Opponent as to his fitness to act as Imam of Jamia Mosque granted by Sir Mirza of Bangalore was obtained by false representations, and the same is not given to the Opponent by Sir Mirza of Bangalore after duly examining the Opponent.

3. That I and the other petitioners approached Sir Mirza in this connection and he was told by Sir Mirza that he is [illegible]

examine the Opponent in detail once again in presence of the public and if the Opponent is found unfit, he is prepared to give a certificate accordingly.

4. That the appointment of the opponent [illegible] resulted in great dissatisfaction among nearly seventy five percent of the Mussalman residents of Nagpur as could be seen from the numbers of signatories filed along with the last petitioner's affidavit in support of stay petition which is still pending.

5. That even now I and the other petitioners and the other residents are prepared to accept the opponent as Magistrate if he is found fit for the place after due and open enquiry before the public and after giving the petitioners and the other residents also an opportunity to be present in the said open enquiry to be held for the purpose.

6. That pending disposal of this petition a stay order as already prayed for is very necessary in the interest of justice.

[illegible]

Petitioner.

Nagpur.
15/12/1930.

Sworn to before me.

[illegible]

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Muz. ~~Revenue~~ Revision Petition No. /36-37.

Petitioners:- 1. Mohamed Ibrahmin Sahib,

2. Abdul Sattar Sahib,

3. Abdul Rasool Sab,

4. Syed Biran Sab,

5. Syed Ismail Sab,

(All residents of Magadi Town)

-Vs-

Opponents:- Abdul Hai, Siddick,
residing in Magadi.

UNDER SECTIONS 21 and 22 OF THE MYSORE MUZRAI REGULATION, the Petitioners abovenamed beg to prefer this Revision Petition praying this Hon'ble Court to revise the order of the Learned Muzrai Commissioner in Muzrai Appeal No. 5 of 35-36 on the file of his Court for the following among other grounds:-

1. That the Learned Muzrai Commissioner erred in acting solely on Certificate granted by Sir Khazi of Bangalore City and believing therefrom that the Opponent is capable of discharging the duties and the services of a Khazi and is also capable of reading the Koran. In contravention of the order of the Deputy Commissioner

Commissioner who had opinied that the Opponents did not possess the necessary learning required of a Khazi, basing that opinion on the personal examination of the Opponent by the Amildar of Magadi.

2. The observation that the Petitioners are not entitled to refuse the appointment of the Opponent as Khazi under Section 36 of the Mysore Muzrai Regulation does not apply in as much as that Section deals with the removal of registered Khazi and not that of a mere Gumasta.

3. That the Learned Muzrai Commissioner erred in interfering with the discretion of the Deputy Commissioner who had appointed a Gumasta Khazi, after considering the local situation, the capacity and the competance of the person proposed by the Petitioners and the Barawaddar.

4. That the Order of the Muzrai Commissioner is otherwise opposed to law and inequitable.

Wherefore the Petitioners most humbly pray that the order of the Learned Muzrai Commissioner be set aside and that of the Deputy Commissioner be restored.

Bangalore,
1/12/1936.

Advocate for Petitioners.

We, the Petitioners abovenamed do hereby declare that what is stated above is true to the best of our knowledge and belief.

Bangalore,
1/12/1936.

Petitioners.

3?

Muz. 134-36-7

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Muz. Revision Petition /35-37.

Petitioners:- Mohamed Ibrahim Sahib, and Others.

-Vs-

Opponent:- Abdul Hai Siddick.

The Petitioners abovenamed beg to state as follows:-

1. That the Petitioners have filed the accompanying Revision Petition against the order of the Muzrai Commissioner in Muzrai Appeal - No. 5 of 35-36.

2. That the Petitioners for the reasons disclosed in the annexed affidavit and also for the reason that besides the Petitioners 75 out of the 100 Muslim Families of Magadi wish that the nominee of the Petitioners should continue as Khazi of Magadi Mosque and not the Opponent, who is a nominee of the Bmravaddar away for a day ~~order~~.

This Petitioners humbly pray that this Hon'ble Court be pleased to keep the order of the Muzrai Commissioner in abeyance pending disposal of this Revision Petition.

Bangalore,
1/12/1936.

We, the Petitioners abovenamed do hereby declare that what is stated above is true to the best of our knowledge and belief

Bangalore,
1/12/1936

Petitioners.

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Muz. Revision Petition No. /36-37.

Petitioners:- Mohamed Ibrahimsab, and Others.

-Vs-

Opponent:- Abdul Hai Siddick.

AFFIDAVIT.

I, Mohamed Ibrahim Sab, Mussalman, residing in Magadi Town, the 1st Petitioner abovenamed do hereby solmenly declare and state as follows:-

1. That when the Barawaddar Khazi pleaded that he was not able to discharge the duties of the Magadi Mosque, the Petitioners and their - panty who represent 80 families out of 100 families of Mussalmans in Magadi, proposed one Abdul Kareem Sab as Gumasta Khazi. When the Amildar, Magadi after subjecting the Opponent, who is the nominee of the Barawaddar to an examination, found him incompetent to read Arabic language and then proposed the appointment of Petitioners' nominee as Gumsta although his proposal was not approved of by the Sub-Division,Officer, the Learned Deputy Commissioner, Bangalore District approved of our proposal and appointed the our nominee as Gumasta.

2. If the Opponent enters on the duties of the Khazi at the Magadi Moseque, the majority of the Muslim residents will not enter the Moseque and there will besides be a discontent among the majority of the Musalman residents, which may give raise to a breach of the peace.

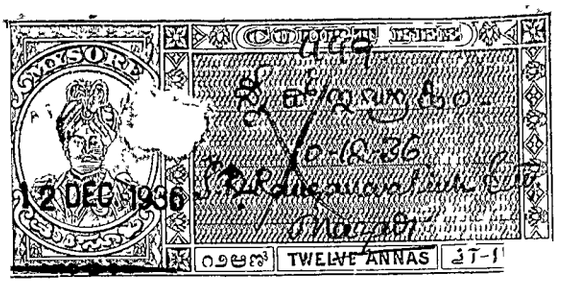
3. That I produce the Mahazar of the Municipal President of Magadi containing signatures of the 75% of the Mussalmans.

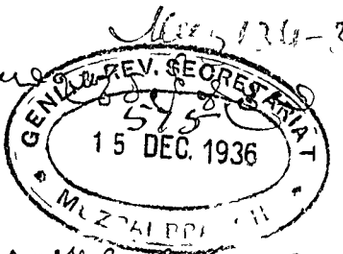
Hence I submit that this is a fit case in which a stay order is to be granted by the Court.

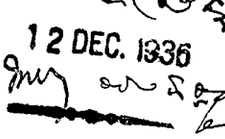
Bangalore,
1-12-1936.

1st.Petitioner

SWORN TO BEFORE ME.


12 DEC. 1936
TWELVE ANNAS


GENERAL REV. SECRETARIAT
575
15 DEC. 1936


12 DEC. 1936

بیراجوع کا المیہ ابراہیم

3

[illegible]

سید علی صاحب کا زوجہ

بیراجوع سید پاشا

بیراجوع سید محبوب

محمد حسین کا زوجہ

زوجہ سلیمان [illegible]

صابر کا زوجہ

محمد جان صاحب

سید قاسم صاحب

محمد داؤد صاحب

محمد غلام صاحب

سید کا زوجہ

عبدالرزاق

عبدالغفار

عبدالقدوس

حسین شریف

محمد حافظ

عبدالحکیم

عبدالرشید

[illegible]

[illegible]

غلام حسین

محمد اسمٰعیل

عبدالصمد

عبدالجلیل

[illegible]

[illegible]

[illegible]

عبدالستار صاحب کا زوجہ

سید یعقوب زوجہ

[illegible]

سید محمود

[illegible]

عبدالعزیز

عبدالحمید

سید عبدالقدوس کا

Syed Mahamood

سید عبدالرزاق

[illegible]

Syed. Abbas

عبدالمجید زوجہ

عبدالرحمن

بیراجوع محبوب صاحب

Section

File No.

Serial No

Diary No of letter replied to ....T.P.5....

General and Revenue Secretariat

( )

the 193

Date of issue ...17/12/36.....

Signed by ...Mr. Sabir Hussain.....

List of enclosures ....

Copied by ....

Examined by..... .....

No. 813

To

Mr. M. Jayaraya Rao
Advocate, Bellary.

Dear Sir,

With reference to your
interview of 7.12.36 to the Government
in connection with the appeal petition
filed by you on 1.12.36
to the ... Court
of a Mosque Khaji Lane
Mosque in Bellary in the
Bellary Taluk Office of the
Tahsildar, Bellary ...
...

WD 01956—GPB—22.500—12 6-34

be filed by you in a day or two
has not you been received
that ch may be filed without
further delay —

Yours faithfully

9/15/11

CS
15/12

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Muz. C.R.P. No. of 36-37.

Petitioners:-		Opponents:
Mohamed Ibrahim Sahib & Others	-Vs-	Abdul Hai Siddick

AFFIDAVIT.

I, Abdul Sattar Sahib, son of Mahomed Khasim Sab, resident of Nagadi Town, do hereby solemnly declare and state on oath as follows:

1. That myself and four others have filed the above C.R.P. praying for ~~revision~~ revision of the order passed by the Muzrai Commissioner in my appeal No. 5 of 35-36 dated 31-8-1936.

2. That I and the other petitioners are very reliably informed that the certificate alleged to have been produced by the Opponent as to his fitness to act as Khaji of Nagadi Mosque granted by Sir Khaji of Bangalore is - obtained by false representations, and the same is not given to the Opponent by Sir Khaji of Bangalore after duly examining the Opponent.

3. That I and the other petitioners approached Sir Khaji in this connection and we were told by Sir Khaji that he is prepared to examine

examine the Opponent in detail once again in presence of the public and if the Opponent is found unfit, he is prepared to give a certificate accordingly.

4. That the appointment of the opponent as Khaji has resulted in great dissatisfaction among nearly seventy five present of the Mussalman residents of Magadi as could be seen from the numbers of signatories filed along with the 1st Petitioner's affidavit in support of stay petition which is still pending.

5. That even now I and the other petitioners and the other residents are prepared to accept the Opponent as Khaji if he is found fit for the place after due and open enquiry before the public and after giving the petitioners and the other residents also an opportunity to be present in the said open enquiry to be held for the purpose.

6. That pending disposal of this petition a stay order as already prayed for is very necessary in the interest of justice.

Bangalore,
15/12/1936.

Petitioner.

Sworn to before me.

Section Mus

File No. 134—36

Serial No.

Diary No. of letter replied to ...5-97.....

No. 883

To

The M.C.

Sir,

I am directed to forward herewith
petn. dt. 1.12.36. together with their enclosure
from Mr. Md Ibrahim Sab & other
Mahomedan residents of Magadi
appealing against your order
about the appointment of Abdul
Hai Siddiekas Nayakhanji
of the Mosque in Magadi town and
affidavit dt. 15/12/36. filed by
Abdul Sattar Sab on the same
subject and to request you to be
so good as to [illegible]

[illegible]

[illegible]

General and Revenue Secretariat

( )

the *193* .

Date of issue 26/12/36

Signed by Mr. Sadat Hussain

List of enclosures.....

Copied by.....

Examined by .....

orders of the Chief Sec

GS

WD 0253—GPB—15,000—26-8-32

of the person appointed hajj - certificate

again -

Thanking you

Yours faithfully

2/24/M

Secretary (CA)

GENL. & REV. SECRETARIAT
819
24 FEB. 1937

M.C. 35/36-37
Encl 5

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

44

Bangalore,..15th February ..1937

22 ns.
134
Muz 3,6-6

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore

To

M. Venkatesa Iyengar, Esq., I.A.S.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department.*

GENERAL SECRETARIAT
22 FEB. 1937

SIR,

Appeal against the appointment of Abdul Hai Siddick, as acting Khaji of the Mosque at Nagadi Town.

Adverting to your letter No.803/Ms.134-36-5 dated the 26th December 1936 forwarding the appeal petition and its enclosures in re. the above, ~~above~~, and calling for my opinion as regards the competence of the Acting Khaji being verified again, I have the honor to state that the Faildar, Bangalore Taluk, who was asked to obtain the statement of Sir Khaji as to whether the certificate was not given by him after duly examining Abdul Hai Siddick as alleged in the affidavit of Mr. Abdul Sattar Sab before Government, reports that Sir Khaji died on 15th January 1937. The genuiness of the Bangalore Khaji's certificate of his competence is not challenged. The Faildar, before whom the previous examination was held, knew nothing of Arabic. In view of this, I think seems to that no further examination be necessary.

The enclosures to your letter are returned herewith.

I have the honor to be,

Sir,

Your most obedient servant,

K. V. Ananthaman
Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 16th March 1937.

No. 1269

Mcj 134-36-7 ~~XXXXXXXXXXXX~~ **NOTIFICATION.**

ENDORSEMENT.

Mohamed Ibrahim Sab and four others of Nagadi Town C/o Messrs. B.Ranjundiaya, B.A., B.L., & T.Suryanarayana Rao,B.A.L Advocates, Chickpet, Bangalore City.

With reference to their petition dated 1st December 1936 appealing against the Huzrai Commissioner's order confirming the orders of the Sub Division officer, Closepet Sub Division, appointing Abdul Rai Siddick as Naib Khaji during the absence of the Larawarder Khaji of the mosque in Nagadi Town, Mr.Mohamed Ibrahim Sab and four others of Nagadi Town are informed that Government see no reason to interfere with the orders of the Huzrai Commissioner and their petition is rejected.

By Order,

Mir Yasin Khan.

for General Secretary to Govt.

Section Mes.

File No. 134-36

Serial No. 7

Diary No. of letter replied to ...Cir...

No. 1269

To Md Ibrahim Sahib and four others
of Magadi town C/o
Messrs B. Nanjundaiya BA BL
& B. Suryanarayanarao BA LL.B.
Advocates. Chickpet Bangalore
City.

General and Revenue Secretariat

( )

the 193 .

Date of issue 16-3-37

Signed by Mr Mir Safdar Hussain

both copies of their petition dated 1.12.36
appealing against the Dy.C's
order confirming the order of
the S.D.O Closepet Sub Divn.,
appointing Abdul Hai Sirdar
as Naik Khaji during the
absence of the Sarvarakar
Khaji of the village in Magadi
town
and four others of Magadi
town

List of enclosures.....

16 MAR 1937

Copied by.....

Examined by.....

orders issued as per

Issue advice

WD 0253—GPB—15,000—26-8-32

No reason to ~~to~~ to interfere
the orders of the M.C and their petition
fee is rejected —

B. O

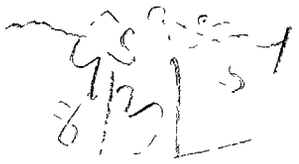
W 16/3/37

Gen Sec

Memo 12.30/Mes of 16-3-37

Copy of above is forwarded
to the Municipal Commissioners for their
kind info & necessary action
in connection with their letter No.
Ht 35/36-37, dt 27-2-37
on the subject

S. O

W 16/3/37

Genl Sec